

ASSEMBLY BILL

No. 2531

Introduced by Assembly Member Allen

February 24, 2012

An act to add Section 7295 to the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2531, as introduced, Allen. State hospitals: prohibited items.

Existing law provides for state mental hospitals for the treatment of mentally disordered persons. Existing law places these hospitals under the jurisdiction of the State Department of Mental Health, and authorizes the department to adopt uniform rules and regulations regarding the conduct and management of these facilities, including prohibiting patients from possessing certain items. Existing law requires the hospital director to be responsible for the overall management of the hospital, and authorizes the hospital director to establish rules and regulations, as specified, concerning the care and treatment of patients, research, clinical training, and for the government of the hospital buildings and grounds.

This bill would authorize a state hospital under the jurisdiction of the State Department of Mental Health to develop a list of items that are deemed contraband and prohibited on hospital grounds. This bill would require the hospital to form a contraband committee, as prescribed, to develop the list of contraband items, and would require the list to be subject to review and approval by the director, or his or her designee, and updated no less often than every 6 months. This bill would authorize the hospital and the department to implement, interpret, and make specific these provisions without taking regulatory action.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7295 is added to the Welfare and
2 Institutions Code, to read:
3 7295. (a) To ensure its safety and security, a state hospital that
4 is under the jurisdiction of the State Department of Mental Health,
5 as listed in Section 4100, may develop a list of items that are
6 deemed contraband and prohibited on hospital grounds, and control
7 and eliminate contraband on hospital grounds.
8 (b) The hospital shall form a contraband committee, comprised
9 of hospital management and employees designated by the hospital's
10 director, to develop the list of contraband items. The committee
11 shall develop the list with the participation of patient
12 representatives, or the patient government of the hospital, if one
13 is available, and the Office of Patients' Rights.
14 (c) The list of contraband items is subject to review and approval
15 by the Director of Mental Health or his or her designee.
16 (d) The list of contraband items shall be updated and subject to
17 review and approval by the director of the department, or his or
18 her designee, no less often than every six months.
19 (e) The list of contraband items shall be posted prominently in
20 every unit of the hospital and throughout the hospital, and provided
21 to a patient upon request.
22 (f) Notwithstanding Chapter 3.5 (commencing with Section
23 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
24 the hospital and the department may implement, interpret, or make
25 specific this section without taking regulatory action.